

CHAPT 70- 635

CLEARWATER DOWNTOWN DEVELOPMENT BOARD ACT

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An act establishing the Clearwater downtown development board as a body corporate; prescribing the boundaries of the downtown area, and for method of changing those boundaries; prescribing the number, qualifications, term and methods of election and removal of members; providing for filling vacancies in office, for service without compensation, for reimbursement of expenses, for bonding, and for personal liability in certain instances; providing for bylaws and internal governance of the board, prescribing its functions and powers; including powers to acquire, own, lease and dispose of property; to issue, sell and provide security for revenue certificates, to borrow on short term, to fix, regulate and collect rates and charges, to maintain offices, to employ and prescribe the duties, authority, tenure, compensation and expense reimbursement of a director and other staff, and to exercise all necessary incidental powers; prescribing for the county to levy in each fiscal year an ad valorem property tax of not more than one mill on non homestead property to finance board operations; providing for assessment and collection thereof by the county; requiring maintenance of records; budget and fiscal control; forbidding participation on behalf of the board by

1. personnel financially interested in the matter  
2 involved; regulating issuance of board revenue  
3 certificates and providing for validations of bonds;  
4 providing for succession by the City to the property  
5 and certain functions of the board if it ceases to  
6 exist or operate; providing for a freeholders  
7 election; prescribing scope of this act, specifying  
8 policy as to who is eligible voter and clarify intent  
9 as to millage limitation; and providing for its  
10 liberal construction, severability and effective  
11 date.

12 Be It Enacted by the Legislature of the State  
13 of Florida:

14 Section 1. Short Title--This act shall be  
15 known and may be cited as the "Clearwater Downtown  
16 Development Board Act."

17 Section 2. Definitions and rules of con-  
18 struction--Unless qualified in the text, the follow-  
19 ing definitions and rules of construction shall  
20 apply hereto:

21 (a) "Board" means the Clearwater downtown  
22 development board hereby created, and any successor  
23 to its functions, authority, rights and obligations.

24 (b) "City" and "Clearwater" mean the city  
25 of Clearwater, Florida.

26 (c) "City commission" means the Clearwater  
27 city commission and any succeeding governing body of  
28 the city.

29 (d) "Downtown" and "downtown area" mean the  
30 area established by Section 4 and any areas added  
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1. thereunder.

2 (e) "Herein", "hereby", "hereof" and similar  
3 compounds refer to the entire act.

4 (f) "Including" shall be construed as merely  
5 introducing illustrative examples and not as limiting  
6 in any way the generality of the inclusive term.

7 (g) "Majority" with qualification means a  
8 majority of a quorum.

9 (h) "Mayor" shall mean the mayor of the city  
10 of Clearwater.

11 (i) "State" means the state of Florida.

12 (j) "Freeholder" for the purposes of this  
13 act, means any elector who is an owner of real  
14 property in the downtown area not wholly exempt from  
15 ad valorem taxation including those claiming  
16 homestead.

17 (k) "Elector" shall be defined as in Article  
18 VII, Section 2 of the Florida Constitution.

19 Section 3. Statement of policy and legis-  
20 lative findings--

21 (a) It is the policy of the State to make it  
22 possible for the City of Clearwater to revitalize  
23 and preserve property values and prevent deteriora-  
24 tion in the central business district by a system of  
25 self help to solve the blight of such deterioration  
26 as has developed there. It is a purpose of this act  
27 to provide the means whereby property owners within  
28 said district and benefitting directly from the result  
29 of such a program will bear the substantial cost  
30 thereof and thereby local problems may be solved on  
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1. a local level.

2 (b) The legislature hereby declares that  
3 among the many causes of commercial blight in the  
4 downtown area are the following: Automobile traffic  
5 flow is impeded by outmoded street patterns, a pro-  
6 liferation of uncoordinated uses and parking area,  
7 unsuitable topography, faulty lot layouts, fragmen-  
8 tation of land uses and parking areas necessitating  
9 frequent automobile movement, lack of separation of  
10 vehicle traffic lanes and railroad traffic and air  
11 pollution. Voluntary cooperation for coordinated  
12 development has limitations because of fragmentary  
13 ownership, distant absentee ownership and unusual  
14 conditions of title and other conditions.

15 (c) The downtown area is plagued with vacant  
16 and deteriorating buildings which are neglected and  
17 produce a depressing atmosphere. Similarly there is  
18 much vacant land area in the downtown area and these  
19 factors tend to combine to put the downtown area at  
20 a competitive disadvantage to modern offices and  
21 shopping centers developing in the area. These  
22 factors tend to develop an image of the downtown  
23 area which is unrepresentative of its economic  
24 vitality and out-of-place with the growth of  
25 Clearwater, thus producing a tarnishing effect on  
26 the overall image of Clearwater.

27 (d) The area now has few residences and many  
28 of the residences which do exist are of inferior  
29 construction which would not be permitted for new  
30 construction under the City's building code. It is

1. in some instances a proper function of government to  
2 remove blight and blighting influences from  
3 commercial area. The police power may be inadequate  
4 to accomplish this purpose. One effective device  
5 for removal of the blight of the downtown area is  
6 the planning and implementation of planning for  
7 appropriate land use, beautification, continuity of  
8 planning and aesthetic and technical design concepts,  
9 the removal of deteriorated and obsolescent struc-  
10 tures.

11 (e) The legislature declares that the powers  
12 created hereby are desired to guide and accomplish  
13 the coordinated, balanced and harmonious development  
14 of the downtown area in accordance with existing and  
15 future needs, to promote the health, safety and  
16 general welfare of the area, and its inhabitants,  
17 visitors, property owners and workers, to establish,  
18 maintain and preserve aesthetic values and preserve  
19 and foster the development and display of attrac-  
20 tiveness, to prevent overcrowding and congestion,  
21 to improve auto traffic and provide pedestrian  
22 safety, and to provide a way of life which combines  
23 the conveniences and amenities of modern living with  
24 the traditions and pleasures of the past.

25 Section 4. Downtown area description--The  
26 downtown area included in this act shall be all those  
27 properties which lie within the perimeter described  
28 as follows: Beginning where Jones Street ends at  
29 Clearwater Bay running east on Jones Street to Myrtle  
30 Avenue; then south on Myrtle Avenue to Drew Street;

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1. then east on Drew Street to Prospect Street; then  
2 south on Prospect Street to Grove Street; then east  
3 on Grove Street to Greenwood Avenue; then south on  
4 Greenwood Avenue to Laura Street; then east (to  
5 include those properties fronting on Cleveland Street)  
6 to Fredrica Avenue; then south on Fredrica Avenue to  
7 the southerly boundaries of the properties fronting  
8 on Cleveland Street; then west on those southerly  
9 boundary lines to Madison Avenue; then south on  
10 Madison Avenue to vacated Park Street; then west to  
11 Washington Avenue; then south on Washington Avenue  
12 to Gould Street; then west on Gould Street to Green-  
13 wood Avenue; then north on Greenwood Avenue to  
14 southerly boundary of lots 24 and 9 of Block "B" of  
15 Coachman Heights Subdivision; then west on the south  
16 lot lines of lot 24 and 9 to Ewing Avenue; then south  
17 on Ewing Avenue to Court Street; then east on Court  
18 Street to Greenwood Avenue; then south on Greenwood  
19 Avenue to the southerly boundaries of these properties  
20 fronting on Chestnut Street; then west on those  
21 southerly boundaries to Myrtle Avenue; then south on  
22 Myrtle Avenue to Turner Street; then west on Turner  
23 Street to East Avenue; then north on East Avenue to  
24 the southerly boundaries of those properties fronting  
25 on Chestnut Street; then west on those southerly  
26 property lines to old ACL railroad right of way; then  
27 north on that right of way to Chestnut Street; then  
28 west on Chestnut Street to alley; then south on alley  
29 to Rogers Street; then west on Rogers Street to South  
30 Fort Harrison Avenue; then north on South Fort

1. Harrison Avenue to Chestnut Street; then west on  
2 Chestnut Street to Clearwater Bay. The board created  
3 in Section 5 of this act shall have the power from  
4 time to time by the following procedure to alter or  
5 amend the boundaries of the downtown area. The board  
6 shall first set a date for public hearing on the  
7 adoption of a resolution amending the description of  
8 the downtown area and shall cause a notice of the  
9 public hearing to be published in a newspaper of  
10 general circulation published in the city, which  
11 notice shall be published four times, not less than  
12 thirty nor more than sixty days from the date of the  
13 hearing. The notice shall set forth the date, time  
14 and place of the hearing and shall describe the  
15 boundaries of the existing downtown area as defined  
16 herein and shall describe the changes to be made  
17 thereto. Additionally, the board shall cause to be  
18 mailed to each owner of the property, according to  
19 the tax collector's records existing in Pinellas  
20 County, Florida, a copy of the notice as published  
21 in the paper. After the public hearing, the board  
22 shall adopt a resolution defining the changes in the  
23 downtown area. The board shall not incorporate land  
24 in the district not included in the description  
25 contained in the notice of public hearing, but it  
26 may eliminate any lands from the area. A freeholders'  
27 referendum, as set out in Section 13, shall then be  
28 held in connection with any additions to the area  
29 defined in this section, with only those voting in  
30 the new area being eligible to vote. However, if

1. any deletion shall be made in the area defined in  
2 this section, then all the freeholders within the  
3 area defined in this section shall be entitled to  
4 vote in the freeholders' referendum.

5 Section 5. Creation of the board, composition  
6 and provisions relating to members--There is hereby  
7 created a board composed of five members and to be  
8 known officially as the "Clearwater Downtown  
9 Development Board".

10 (a) The non-commissioner members of the Board  
11 shall be elected annually at a date specified in the  
12 bylaws by the freeholders of the downtown area as  
13 determined from the tax roles of Pinellas County,  
14 Florida. Each freeholder shall vote for four of  
15 those nominated for the office and shall have the  
16 right to write in any additional persons on the  
17 ballot. Any ballots post-marked two weeks later than  
18 the date they were mailed shall be null and void.  
19 Similarly, any ballots containing less than four  
20 votes shall be null and void.

21 (b) For the first election, the City Commis-  
22 sion and afterwards a committee appointed by the  
23 Clearwater Downtown Development Board, shall nominate  
24 annually, eight individuals to stand for this  
25 election in the category of non-commissioner board  
26 members.

27 (c) The four nominees receiving the greatest  
28 number of votes shall be elected as the four non-  
29 commissioner members of the board. In addition, the  
30 mayor or a commissioner serving on the City

1. commission of Clearwater designated by the mayor  
2 shall serve in the position of commissioner board  
3 member on the Clearwater Downtown Development Board.

4 (d) The City Manager of the City of  
5 Clearwater shall serve as an ex officio member of the  
6 board.

7 (e) To qualify for service on this board and  
8 to remain qualified for services on it, the board  
9 member shall have his principal place of business or  
10 employment in the downtown area, except for commis-  
11 sioner members, or shall hold property in the down-  
12 town area.

13 (f) Any vacancies in office shall be filled  
14 after the nomination of at least two individuals for  
15 that office, and the mailing of ballots to the  
16 freeholders in the downtown area within thirty days  
17 of the occurrence of that vacancy.

18 (g) Each member of the board shall serve  
19 without compensation for services rendered as a  
20 member, but may be reimbursed by the board for  
21 necessary and reasonable expenses actually incurred  
22 in the performance of duty. The board may require  
23 that all its members or any or all of its officers  
24 or employees be required to post bond for faithful  
25 performance of duty; the board shall require such  
26 bond of all persons authorized to sign on accounts  
27 of the board, and the board shall pay bonding costs.  
28 No member of the board shall be personally liable  
29 for any action taken in attempting in good faith to  
30 perform his duty, or for a decision not to act,

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1. except in instances of fraud or willful neglect of  
2 duty.

3           Section 6. Board bylaws and internal  
4 governance.--The board shall formulate and may amend  
5 its own rules of procedure and written bylaws, not  
6 inconsistent herewith, but such rules of procedure  
7 and written bylaws, and amendments thereto, shall  
8 become effective only after the approval of the  
9 freeholders in the downtown area by written ballots.  
10 Four voting members of the board shall constitute a  
11 quorum for the transaction of business, but fewer  
12 than a quorum may adjourn from time to time and may  
13 compel the attendance of absent members. All action  
14 shall be taken by vote of at least a majority present  
15 and voting. The board shall select one of its  
16 members as chairman and another as vice chairman,  
17 and shall prescribe their duties, powers and terms  
18 of serving. It shall hold regular meetings at least  
19 once a month and shall provide in its bylaws for  
20 holding special meetings. All freeholders in the  
21 downtown area shall be notified by mail of the time  
22 and place of all regular or special meetings and  
23 shall have the right to attend and voice opinions at  
24 such meetings.

25           Section 7. Functions of the board.--The  
26 board shall perform the following functions:

27           (a) The board shall not provide City govern-  
28 mental services, but shall act as a catalyst to see  
29 that such services are properly planned for within  
30 the downtown area and are provided in a proper and

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1. full manner within that area.

2 (b) Assist the City in preparing and main-  
3 taining on a current basis an analysis of the  
4 economic conditions and changes occurring in the  
5 downtown area, including the effect thereon of such  
6 factors as metropolitan growth, traffic congestion,  
7 lack of adequate parking and other access facilities,  
8 and structural obsolescence and deterioration.

9 (c) Assist the City in formulating and  
10 maintaining on a current basis both short range and  
11 long range plans for improving the attractiveness  
12 and accessibility to the public of downtown facili-  
13 ties, promoting efficient use thereof, remedying the  
14 deterioration of downtown property values and devel-  
15 oping the downtown area in general.

16 (d) Recommend to the City for its considera-  
17 tion and approval the actions deemed most suitable  
18 for implementing any downtown development plans,  
19 including removal, razing, repair, renovation,  
20 reconstruction, remodeling and improvement of exist-  
21 ing structures, addition of new structures and  
22 facilities, relocation of those existing, and changes  
23 in facilities for getting thereto and therefrom.

24 (e) Participate actively in the implementa-  
25 tion and execution of downtown development  
26 plans, including establishment, acquisition, con-  
27 struction, ownership, financing, leasing, licensing,  
28 operation, and management of publicly owned or leased  
29 facilities deemed feasible and beneficial in effect-  
30 ing implementation for public purposes, but this

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1 paragraph shall not give the board any power or  
2 control over any city property unless and until  
3 assigned to it by the city commission under the pro-  
4 vision of paragraph (f) of this section.

5 (f) Carry on such additional lawful projects  
6 and undertakings related to the downtown area as the  
7 city council may assign to the board with its consent.

8 Section 8. Powers of the board.--In the per-  
9 formance of the functions vested in or assigned to  
10 the board under Section 7, it is hereby granted the  
11 following powers:.

12 (a) To enter into contracts and agreements  
13 to accomplish the functions set forth in Section 7,  
14 and to sue and be sued as a body corporate.

15 (b) To have and use a corporate seal.

16 (c) To accept grants and donations of any  
17 type of property, labor, or other thing of value from  
18 any public or private source.

19 (d) To receive the proceeds of the tax hereby  
20 imposed.

21 (e) To receive the revenues from any property  
22 or facility owned, leased, licensed, or operated by  
23 it or under its control, subject to the limitations  
24 imposed upon it by trusts or other agreements validly  
25 entered into by it.

26 (f) To have exclusive control of funds legally  
27 available to it, subject to limitations imposed upon  
28 it by law or by any agreement validly entered into by  
29 it.

30 (g) To cooperate and enter into agreements  
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1 with other governmental agencies or other public  
2 bodies, except that nothing in this act shall be  
3 construed as authorization to initiate a federally  
4 subsidized urban renewal program and any such urban  
5 renewal program is hereby specifically prohibited.

6 (h) To issue and sell revenue certificates as  
7 hereinafter provided, or in any other manner permitted  
8 by law and not inconsistent with the provisions here-  
9 of, and to take all steps necessary for efficient  
10 preparation and marketing of the certificates at  
11 public or private sale at the best price obtainable,  
12 including the entry into agreements with corporate  
13 trustees, underwriters and the holders of the certifi-  
14 cates, and the employment and payment as a necessary  
15 expense of issuance, for the service of consultants  
16 on valuations, costs and feasibility of undertaking,  
17 revenues to be anticipated and other financial matters  
18 architecture, engineering, legal matters, accounting  
19 matters, and any other fields in which expert advice  
20 may be needed to effectuate advantageous issuance and  
21 marketing.

22 Section 9. Levy of ad valorem tax.--For the  
23 fiscal year to be specified in the bylaws beginning  
24 after the approval of this act by the freeholders,  
25 the County of Pinellas shall levy an ad valorem tax  
26 in addition to all other ad valorem taxes that may be  
27 levied annually by the county of Pinellas on all prop-  
28 erties within the area described in Section 4, except  
29 those properties qualifying for homestead exemption,  
30 and shall administer such levy as a special taxing  
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1 internal supervision and control of its accounts,  
2 which function the appropriate city fiscal officers  
3 may perform for at its request, and for an external  
4 audit at least annually by an independent certified  
5 public accountant who has, no personal interest,  
6 direct or indirect, in its fiscal affairs. A copy of  
7 the external audit shall be filed with the city clerk  
8 within ninety days after the end of each fiscal year.  
9 The bylaws shall specify the means by which each of  
10 these functions is to be performed, and, as to those  
11 functions assigned to board personnel, the manner and  
12 schedule of performance.

13 (c) No member or employee of the board shall  
14 participate by vote or otherwise on behalf of the  
15 board in any matter in which he has a direct financial  
16 interest or an indirect financial interest other than  
17 of the benefits to be derived generally from the  
18 development of the downtown area. Participation with  
19 knowledge of such interest shall constitute malfea-  
20 sance and shall result, as regards a member, in  
21 automatic forfeiture of office, or as regards an  
22 employee, in prompt dismissal.

23 Section 11. Provisions governing issuance of  
24 revenue certificates.--Issuance of revenue certificates by the  
25 board shall be governed by the following general  
26 provisions:

27 (a) Revenue certificates for purposes hereof  
28 are limited to obligations that are secured solely by  
29 pledge of revenues produced by the facility or facili-  
30 ties for the benefit of which the certificates are  
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1 district levy authorized by freeholders vote under  
2 Article VII Section 9 of the Florida Constitution.  
3 The rate shall not exceed one mill on each dollar of  
4 tax base and the Clearwater Downtown Development Board  
5 shall establish its budget for the coming fiscal year  
6 prior to the time the tax collector of Pinellas County  
7 shall prepare his tax bills and communicate by written  
8 notice to the Pinellas County Tax Assesor what  
9 millage rate, within the one mill limit, shall be in  
10 effect for each year's billing, provided, however,  
11 that the one mill limitation can be increased in a  
12 freeholders referendum called by the board and held  
13 in accordance with Section 13 of this act. Such a  
14 referendum shall be solely on the question of any  
15 increase in millage and shall not be construed to be  
16 a repeal of the original referendum.

17 Section 10. Board records and fiscal manage-  
18 ment.--

19 (a) The funds of the board shall be maintained  
20 under a separate account and shall be used for the  
21 purposes herein authorized and shall be distributed  
22 only by direction of or with the approval of the  
23 board pursuant to requisitions signed by the director  
24 or other designated chief fiscal officer of the board  
25 and countersigned by at least one other person who  
26 shall be a member of the board.

27 (b) The board bylaws shall provide for main-  
28 tenance of minutes and other official records of its  
29 proceedings and actions, for preparation and adoption  
30 of an annual budget for each ensuing fiscal year, for  
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1 issued and the sale proceeds used, that do not consti-  
2 tute a lien or encumbrance, legal or equitable, on any  
3 real property of the board or on any of its personal  
4 property other than the revenues pledged to secure  
5 payment of the certificates.

6 (b) The faith and credit of the city shall  
7 not be pledged and the city shall not be obligated  
8 directly or indirectly to make any payments on or  
9 appropriate any funds for certificates issued by the  
10 board.

11 (c) Before issuing any revenue certificates  
12 the board shall as to each issue: (1) Prepare or  
13 procure from a reputable source detailed estimates of  
14 the total cost of the undertaking for which the certi-  
15 ficates are contemplated and of the annual revenues  
16 to be obtained therefrom and pledged as security for  
17 payment of the certificates; (2) Determine that the  
18 anticipated net proceeds from the sale, together with  
19 any other funds available and intended for the pur-  
20 poses of the issue, will be sufficient to cover all  
21 costs of the undertaking and of preparing and market-  
22 ing the issues or connected therewith; (3) Determine  
23 that the annual revenues anticipated from the under-  
24 taking will be sufficient to pay the estimated annual  
25 cost of maintaining, repairing, operating, and re-  
26 placing, to any necessary extent, not only the under-  
27 taking but also the punctual payment of the principal  
28 of, and interest on, the contemplated certificates;  
29 and (4) Shall specify these determinations in and  
30 include the supporting estimates as parts of the  
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resolution providing for the issue.

(d) The board may, as to any issue of revenue certificates, engage the services of a corporate trustee for the issue and may treat any or all costs of carrying out the trust agreement as part of the operating costs of the undertaking for which the certificates are issued.

(e) The board shall from time to time establish such rentals rates, and charges, or shall by agreement maintain such control thereof, as to meet punctually all payments on the undertaking and its maintenance and repair, including reserves therefore and for depreciation and replacement.

(f) Revenue certificates may be issued for the purposes of funding, refunding, or both.

(g) All revenue certificates issued pursuant hereto shall be negotiable instruments for all purposes.

(h) Validation of bonds shall be in accordance with Florida Statutes, Chapter 75.

Section 12. Transfer upon cessation of the board.--Should the board cease to exist or to operate for whatever reason, all property of whatever kind shall forthwith become the property of the City,

subject to the outstanding obligations of the board incurred in conformity with all of the foregoing provisions, and the city shall use this property to the maximum extent then practicable for effectuating the purposes hereof and shall succeed to and exercise only such powers of the board as shall be necessary

1 to meet outstanding obligations of the board and  
2 effect an orderly cessation of its powers and func-  
3 tions, however, under no circumstances shall the city  
4 directly or indirectly be obligated to pledge or use  
5 any of its tax monies to accomplish these functions.

6 Section 13. Freeholders' referendum.--No  
7 powers shall be exercised by the board, nor shall any  
8 special taxing district be established, until such  
9 time as the freeholders not wholly exempt from taxa-  
10 tion in the downtown area approve this act in accor-  
11 dance with the referendum provisions provided herein-  
12 below:

13 (a) Election supervisor.--For the purposes of  
14 this referendum, the city clerk shall act as election  
15 supervisor and do all things necessary to carry out  
16 the provisions of this section.

17 (b) Registration.--Within thirty days from  
18 this act becoming a law of the State of Florida, the  
19 clerk of the City of Clearwater shall compile a list  
20 of the names and the last known addresses of the  
21 freeholders in the downtown area from the tax assess-  
22 ment rolls of the County of Pinellas and the same  
23 shall constitute the registration list for the pur-  
24 poses of the freeholders referendum herein, except  
25 as hereinafter provided.

26 (c) Notification.--Within the time period  
27 specified in subsection (b) above, the clerk shall  
28 notify each freeholder of the general provisions of  
29 this act, and send him a certified copy of same, the  
30 dates of the upcoming referendum and the method  
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1 provided for additional registration should the status  
2 of the freeholder have changed from that obtained  
3 from the County tax assessor. Notification hereunder  
4 shall be by U.S. mail and in addition thereby by  
5 publication one time in the Clearwater Sun or other  
6 major newspaper of general circulation within the  
7 time period provided in subsection (b) above.

8 (d) Additional registration.--Any freeholder  
9 whose name does not appear on the tax rolls may  
10 register with the city clerk at the city hall,  
11 Clearwater, Florida, or by mail in accordance with  
12 regulations promulgated by the clerk. The registra-  
13 tion lists shall remain open until thirty days after  
14 the notifications provided in subparagraph (c) above.

15 (e) Voting.--Within thirty days after the  
16 closing of the registration list, the clerk shall  
17 have a secret and direct ballot of the freeholders by  
18 providing a certified voting machine at the city hall  
19 of the City of Clearwater, between the legal hours of  
20 voting and normal elections, and shall place the date  
21 of this election in the original notification and  
22 additionally the day after the registration list is  
23 closed, shall mail to all eligible voters additional  
24 notification of the time and place of said election.

25 Within the day after holding said election,  
26 the Clerk shall certify the results thereof to the  
27 City Commission of Clearwater. Any person voting who  
28 has knowledge that he is not a freeholder as defined  
29 by this act, shall be guilty of perjury and shall be  
30 prosecuted and upon conviction, punished in accordance  
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1 with the provisions of the laws of this State.

2 (f) Passage of the act.--The freeholders  
3 shall be deemed to have approved the passage of this  
4 act at such time as the clerk certifies to the City  
5 Commission of Clearwater that in excess of fifty  
6 percent of those voting were in favor of the estab-  
7 lishment of the Clearwater Downtown Development Board.

8 (g) For the purposes of this act, one vote  
9 shall be allowed for each individual who is a free-  
10 holder or elector within the downtown areas defined  
11 in this act and by the Constitution of the State of  
12 Florida. Joint and several owners of property shall  
13 be allowed to cast one ballot each.

14 (h) Should the freeholders fail to approve of  
15 the provisions of this act as provided herein, an  
16 additional election procedure under this section shall  
17 be held as if the legislature of the State of Florida  
18 had repassed this act at that time. Should the free-  
19 holders fail to initially approve this act as provided  
20 herein after two such referendums, all provisions of  
21 this act shall be null and void, and this act shall  
22 be repealed.

23 (i) Additional freeholders' elections called  
24 after increasing or decreasing the boundaries of the  
25 downtown area in accordance with Section 4 of this  
26 act shall be held in accordance with the referendum  
27 provisions for initial approval of this act; provided,  
28 however, that no provision of this act shall require  
29 the approval of freeholders in an area which has  
30 previously approved of the provisions of this act by  
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1 any referendum held hereinunder, unless there is in-  
2 volved a decrease in the boundaries of the downtown  
3 area.

4 (j) A repeal referendum may be called by  
5 petition of the freeholders representing at least  
6 thirty percent of the freeholders in the downtown  
7 area, for the purpose of abolishing the board and  
8 repealing this act. Upon the receipt of such a  
9 petition for a repeal referendum by the city clerk,  
10 a freeholders referendum election shall be called by  
11 the city clerk and shall be held under the procedures  
12 as specified in Section 13 of this act. If the  
13 repeal shall fail, there shall be no additional  
14 repeal referendum made by petition at any time until  
15 after one year from the certification of the results  
16 of the previous repeal referendum by the clerk.

17 (k) The elections to be held under this act  
18 shall be held in accordance with the election laws  
19 of the City of Clearwater, Section 164 of the Charter  
20 and Section 8 of the City Code insofar as possible.  
21 The Downtown Association of Clearwater, Inc., will  
22 bear the cost of the initial elections should the  
23 question fail, otherwise the Board shall be billed  
24 for the cost of the election by the City of Clearwater.

25 Section 14. Owner electors only electors  
26 eligible to vote. In order to further the policies  
27 and purposes of this act, as is specified in Section  
28 3, it is determined that those most directly and  
29 uniquely interested in the establishment of this act  
30 are the freeholders that may have to pay taxes in  
31

1 connection with the establishment hereof. Therefore,  
2 these freeholders including those with homesteads,  
3 are the only electors eligible to vote as provided  
4 in this act.

5 Section 15. Millage Limitations.--This act  
6 provided for the establishment of a special taxing  
7 district under Article VII, Section 9, of the Florida  
8 Constitution and the millage limitations are speci-  
9 fied within this act as authorized by the Constitution.  
10 However, should any court construe this act to be  
11 within the ten mill limitation of the City or ten  
12 mill limitation of the county, then all provisions  
13 of this act shall be null and void, and this act  
14 shall be repealed.

15 Section 16. Liberal construction and sever-  
16 ability.--The provisions of this act, being desirable  
17 for the welfare of the city and its inhabitants, shall  
18 be liberally constructed to effectuate the purposes  
19 herein set forth.

20 Section 17. This act shall become effective  
21 only when the same shall be approved by a majority of  
22 the votes cast by the qualified electors of the city  
23 of Clearwater at the next primary or general election.

24  
25 Became a law without the Governor's approval.

26 Filed in Office Secretary of State JUL 2 1970  
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# State of Florida

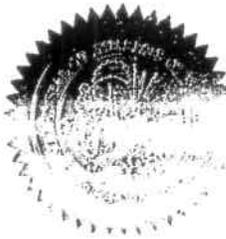
Secretary of State



I, Tom Adams, Secretary of State of the State of Florida,  
Do Hereby Certify That the above and foregoing is a true and correct copy of

Chapter 70-635, Laws of Florida, Regular Session 1970, as  
shown by the records of this office.

Given under my hand and the Great Seal of the  
State of Florida at Tallahassee, the Capital,  
this the 29th day of July,  
A.D. 1970.



*Tom Adams*  
Secretary of State

